Derek J. Emge (CSB No. 161105)
EMGE & ASSOCIATES
550 West C Street, Ste. 1600
San Diego, CA 92101
Telephone (619) 595-1400
Facsimile (619) 595-1480

David A. Huch (CSB No. 222892)
LAW OFFICES OF DAVID A. HUCH
7040 Avenida Encinas, Suite 104
Carlsbad, CA 92011-4654
Telephone (760) 402-9528
Facsimile (760) 683-3245

Attorneys for Plaintiff, PHILIP J. MARTINET, Individually, On Behalf of All Others Similarly Situated, and on Behalf of the General Public

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PHILIP J. MARTINET, Individually, On Behalf of All Others Similarly Situated, and on Behalf of the General Public, Plaintiff, v. SPHERION ATLANTIC ENTERPRISES LLC, a Delaware Limited Liability Company; and DOES 1 through 50, inclusive, Defendants.	**CIVIL NO. 07-CV-02178 W (AJB)** **CLASS ACTION** **DECLARATION OF DAVID A. HUCH IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION TO ALLOW FILING OF PLAINTIFF'S FIRST AMENDED COMPLAINT WITHOUT LEAVE OF COURT**

I, David A. Huch, declare as follows:

1. I am an attorney at law duly admitted to practice before this Court and the attorney of record herein for Plaintiff PHILIP J. MARTINET ("Plaintiff") in United States District Court, Southern District of California Civil Case No. 07CV02178 W (AJB). The following facts are known to me of my own personal knowledge and circumstances in the above entitled matter as they relate to this declaration, and if called upon, I could and would testify competently thereto.

2. On December 18, 2007, I communicated with Defense counsel, Samuel T. McAdam of Seyfarth Shaw et al., and informed the opposing party's attorney of when and where the present ex parte application would be made. I also met and conferred with Defense counsel regarding the filing of Plaintiff's First Amended Complaint. Defense counsel informed me during our December 18 communication that Defendant SPHERION ATLANTIC ENTERPRISES LLC ("Defendant") does not oppose Plaintiff's present ex parte application.

3. On September 25, 2007, my co-counsel in the present class action suit, Derek J. Emge, wrote a letter to Defendant and the California Labor & Workforce Development Agency ("LWDA"), via certified mail, listing the specific provisions of the Labor Code alleged to have been violated by Defendant, and the facts and theories to support the allegations. A copy of Plaintiff's counsel Derek J. Emge's September 25, 2007 letter to the LWDA and Defendant is attached hereto as **Exhibit "A."**

4. On October 17, 2007, the LWDA notified Defendant and Plaintiff's counsel that it had received Plaintiff's notice of the alleged Labor Code violations. The LWDA has designated PLAINTIFF's Labor Code allegations against Defendant as "LWDA No. 2750." A copy of this October 17, 2007 letter from the LWDA to Defendant and Plaintiff's counsel is attached hereto as **Exhibit "B."**

5. More than 33 days have elapsed since Plaintiff notified the LWDA, via certified mail, of the specific provisions of the California Labor Code alleged to have been violated by Defendant.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct as executed on this 19th day of December 2007.

s/ David A. Huch__________
DAVID A. HUCH

EXHIBIT "A"

EMGE & ASSOCIATES

550 West C Street, Suite 1600
San Diego, CA 92101

Telephone: 619.595.1400
Facsimile: 619.595.1480

September 25, 2007

VIA CERTIFIED U.S. MAIL

California Labor & Workforce Development Agency
801 K Street, Suite 2101
Sacramento, CA 95814

Re: ***Written Notice of Alleged California Labor Code Violations Against SPHERION ATLANTIC ENTERPRISES LLC***

To Whom It May Concern:

Our firm, along with the Law Offices of David A. Huch, represent Philip Martinet in a class action lawsuit against his former employer, SPHERION ATLANTIC ENTERPRISES LLC. Mr. Martinet's suit was recently filed against the aforementioned defendant employer in San Diego Superior Court. A copy of the Complaint is enclosed with this letter.

Pursuant to Labor Code Section 2699.3, Mr. Martinet hereby provides written notice to the Labor and Workforce Development Agency of the specific provisions of the Labor Code alleged to have been violated by SPHERION ATLANTIC ENTERPRISES LLC.

The specific provisions alleged to have been violated and the specific facts and theories to support the alleged violations are set forth in detail in the enclosed Complaint. In particular, the following Labor Code violations are alleged in the Complaint:

i. Sections 201 through 203 (Failure to Pay Compensation at the Time of Separation of Employment);

ii. Section 204 (Failure to Pay Wages Due & Owed);

iii. Section 221 (Unlawful Deductions of Wages Earned);

iv. Section 226 (Failure to Maintain Adequate Wage Statements);

v. Section 226.7 (Failure to Compensate for Missed Meal Breaks);

vi. Section 226.7 (Failure to Compensate for Missed Rest Periods);

vii. Section 510 (Failure to Pay Overtime);

viii. Section 512 (Failure to Provide Meal Breaks);

ix. Section 1174 (Failure to Maintain Accurate Time Records);

x. Section 1194 (Failure to Pay Overtime Compensation);

xi. Section 2802 (Indemnification of Employees for Work-Related Expenditures).

Both Mr. Martinet and our respective law firms will cooperate fully if your office decides to investigate the alleged violations. Accordingly, please feel free to contact me at your convenience.

Sincerely,

EMGE & ASSOCIATES

Derek J. Emge

cc: CORPORATION SERVICE CO. WHICH WILL DO BUSINESS IN CALIFORNIA AS CSC-LAWYERS INCORPORATING
Agent for Service of Process
SPHERION ATLANTIC ENTERPRISES LLC
2050 Spectrum Blvd.
Fort Lauderdale, FL 33309

EXHIBIT "B"

THE GREAT SEAL OF THE STATE OF CALIFORNIA

C A L I F O R N I A

Labor & Workforce Development Agency

Governor
Arnold Schwarzenegger

Secretary
Victoria L. Bradshaw

Agricultural Labor Relations Board

California Unemployment Insurance Appeals Board

California Workforce Investment Board

Department of Industrial Relations

Economic Strategy Panel

Employment Development Department

Employment Training Panel

October 17, 2007

Emge & Associates
550 West C Street, Suite 1600
San Diego, CA 92101

RE: Employer: Spherion Atlantic Enterprises, LLC
RE: Employee(s): Philip Martinet
RE: LWDA No: 2750

Dear Representative of the Employee:

The California Labor and Workforce Development Agency (LWDA) is in receipt of your letter postmarked October 9, 2007, regarding alleged Labor Code violation(s).

The LWDA has forwarded a copy of your letter, along with any enclosures, to the Department of Industrial Relations, Division of Labor Standards Enforcement, for its review and advice regarding whether or not to investigate the alleged violations.

If you require additional information, please feel free to contact Amalya Martinez at 916-327-9064.

Sincerely,

Robert A. Jones

Robert A. Jones
Deputy Secretary